

The Gazette of India

EXTRAORDINARY PART II—Section 3—Sub-section (1) PUBLISHED BY AUTHORITY

No. 24] NEW DELHI, FRIDAY, MARCH 14, 1958/PHALGUNA 23, 1879

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 14th March 1958

G.S.R. 151.—In exercise of the powers conferred by section 15 of the Notaries Act 1952 (53 of 1952), the Central Government hereby makes the following further amendments in the Notaries Rules, 1956, namely:—

In the said Rules,—

1. For rule 3, the following rule shall be substituted, namely:—

“3. *Qualifications for appointment as a notary.*—No person shall be eligible for appointment as a notary unless on the date of the application for such appointment—

- (a) he is a notary public appointed by the Master of Faculties in England, or
- (b) he has been a legal practitioner for at least ten years.”;

2. In rule 4,—

- (a) in sub-rule (2), the expression commencing with the words “and shall be accompanied” and ending with the words “not less than three years” shall be omitted;
- (b) in sub-rule (3), after the words “shall be signed by the applicant and”, the words “in the case of an applicant other than a practising notary public appointed by the Master of Faculties in England, shall also be” shall be inserted;

3. rule 5 shall be omitted;

4. for rules 6 and 7, the following rules shall be substituted, namely:—

“6. *Preliminary action on application.*—(1) The competent authority shall examine every application received by him and, if he is satisfied that the applicant does not possess the qualifications specified in rule 3, or that any previous application of the applicant for appointment as a notary was rejected within six months before the date of the application, shall reject it and inform the applicant accordingly.

(2) If he competent authority does not reject the application under sub-rule (1)—

- (a) he shall publish in the Official Gazette a notice of the application, inviting objections, if any, to the appointment of the applicant as a notary, to be submitted within fourteen days of such publication; and
- (b) he may, if he thinks fit, ascertain from any Bar Council, Bar Association, Incorporated Law Society or other authority in the area where the applicant proposes to practise, the objections, if any, to the appointment of the applicant as notary, to be submitted within the time fixed for the purpose.

7. *Recommendations of the competent authority.*—(1) The competent authority shall, after holding such inquiry as he thinks fit and after giving the applicant an opportunity of making his representations against the objections, if any, received within the time fixed under sub-rule (2) of rule 6, make a report to

the appropriate Government recommending either that the application may be allowed for the whole or any part of the area to which the application relates or that it may be rejected.

- (2) The competent authority shall also make his recommendation in the report under sub-rule (1) regarding the persons by whom the whole or any part of the costs of the application including the cost of hearing, if any, shall be borne.
- (3) In making his recommendation under sub-rule (1), the competent authority shall have due regard to the following matters, namely:—
 - (a) whether the applicant ordinarily resides in the area in which he proposes to practice as a notary;
 - (b) whether, having regard to the commercial importance of the area in which the applicant proposes to practise and the number of existing notaries practising in the area, it is necessary to appoint any additional notaries for the area;
 - (c) whether, having regard to his knowledge and experience of commercial law and the nature of the objections, if any, raised in respect of his appointment as a notary, and in the case of a legal practitioner also to the extent of his practice, the applicant is fit to be appointed as a notary;
 - (d) where the applicant belongs to a firm of legal practitioners, whether, having regard to the number of existing notaries in that firm, it is proper and necessary to appoint any additional notary from that firm; and
 - (e) where applications from other applicants in respect of the area are pending, whether the applicant is more suitable than such other applicants."

5. in rule 8,—

- (a) for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) On receipt of the report of the competent authority, the appropriate Government shall consider the report and shall—

- (a) allow the application in respect of the whole of the area to which it relates; or
- (b) allow the application in respect of any part of the area to which it relates; or
- (c) reject the application;

and shall also make such orders as that Government thinks fit regarding the persons by whom the whole or any part of the costs of the application including the cost of hearing, if any, shall be borne";

- (b) sub-rules (2) and (3) shall be renumbered as sub-rules (4) and (5) respectively and before sub-rule (4) as so renumbered, the following sub-rules shall be inserted, namely:—

"(2) An applicant shall be informed of every order passed by the appropriate Government under sub-rule (1).

- (3) Any applicant whose application has been rejected or against whom an order as to costs has been made under sub-rule (1) may, within sixty days of the date of the order apply to the appropriate Government for reviewing the order and that Government may, after making such further inquiry as it thinks fit, pass such order as it considers necessary.

6. in Form I, after paragraph 3, the following paragraph shall be inserted, namely:—

"3-A. That the average annual income of the memorialist during the preceding three years is..... (here state the figure)";

7. Form II shall be omitted.

[No. F. 1/10/57-Notts.]

S. NARAYANSWAMY, Dy. Secy.